

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

United States District Court
Southern District of Texas

ENTERED

February 27, 2018

David J. Bradley, Clerk

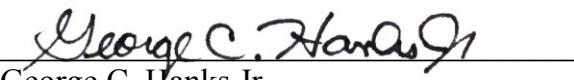
SHAZID ALI, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 3:17-CV-383
§
THE HOME DEPOT U.S.A., INC., *et al*, §
§
Defendants. §

ORDER

Plaintiff Shazid Ali has filed a notice of voluntary dismissal without prejudice as to Defendant The Home Depot Inc. (Dkt. 6). Because The Home Depot Inc. has served neither an answer nor a motion for summary judgment, Ali may unilaterally dismiss the claims against The Home Depot Inc. by filing a notice of voluntary dismissal. FED. R. CIV. P. 41(a)(1)(A)(i); *see also Montoya v. FedEx Ground Package System, Inc.*, 614 F.3d 145, 148 (5th Cir. 2010) (pointing out that a plaintiff is entitled to a dismissal against one defendant under Rule 41(a)(1)(A)(i) even though the action against another defendant would remain pending). All claims against Defendant The Home Depot Inc. are **DISMISSED WITHOUT PREJUDICE**, and Defendant The Home Depot Inc. is terminated from this lawsuit. The claims against Defendant Home Depot U.S.A., Inc. remain pending.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 27th day of February, 2018.


George C. Hanks Jr.
United States District Judge